

ORDERS FOR THURSDAY,  
JANUARY 9, 2014

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, January 9, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 12 noon, with Senators permitted to speak therein for up to 10 minutes each, the time equally divided between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; and that at 12 noon all postcloture time be considered expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Tomorrow we hope to make progress on the unemployment insurance extension. Senators will be notified when any votes are scheduled.

ORDER FOR ADJOURNMENT

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of my friend, the Senator from Ohio, Mr. PORTMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

ARMSTRONG FLIGHT CENTER

Mr. PORTMAN. Mr. President, I applaud the majority leader for his work on the Neil Armstrong Flight Research Center. This is something DIANNE FEINSTEIN has been very involved with and JAY ROCKEFELLER supported, and it is an appropriate way to pay tribute to Neil Armstrong, who was a constituent of mine and a dear friend. I spoke to his family about this. They believe it is an appropriate way to pay tribute to him as well.

He was a true hero, not just because of what he did as the first man to walk on the moon, but also the way he led his life subsequently. He was a humble hero to me and to so many others. I am delighted that through the action we just heard on the floor here a moment ago with the majority leader, we have now passed legislation which will go to the President for his signature. The Dryden Flight Research Center in California will now be renamed the Neil A. Armstrong Flight Research Center at the Dryden Aeronautical Test Range. So that is good news tonight. The Senate got something done.

THE BUDGET

I also wish to comment on what the Presiding Officer said earlier with re-

gard to the retirement provisions in the budget as it relates to our veterans. The military retirement issue is one I had great concerns about, and when I voted for the budget, it was my understanding that would be resolved. The Senator from Connecticut has a proposal he is supporting tonight from our colleague from New Hampshire. I am supporting a proposal as well from another colleague from New Hampshire, and how we pay for this is the subject of some debate, but we need to resolve this.

I think it is unfair for a couple of reasons; one is it singles out our military at a time when there are so many other ways in which we need to address our overspending in this country. I think it is not just for us to simply single out military retirees. I believe that is not consistent with the promises we made to them, and I believe it is in effect changing the rules midstream.

Second, there is a commission looking at this. The commission is looking at, in a comprehensive way, retirement, benefits, health care. That commission is both comprehensive and transparent and expected to report later this year.

So in my view, this certainly was not appropriate to be in the budget. It is about \$6 billion. We certainly should be able to find a pay-for in a budget of over \$3 trillion. Again, I commend those who are working on this.

I have cosponsored a particular approach which Senator AYOTTE of New Hampshire is proposing that is an anti-fraud provision for the child tax credit. I know there is some difference on that, but I think all of us want to be sure the child tax credit is being properly administered, and those who do not qualify for it or are ineligible for it should not access it.

At a time of record debt and deficits, we have to be sure there is not fraud, abuse, and waste in our government, and that is one example. So I hope we can find a way to come together on that and deal with that issue.

UNEMPLOYMENT INSURANCE

Finally, the majority leader talked a little about the legislation currently before this body to extend unemployment insurance. I wish to talk for a moment about where we are on that bill and say I was encouraged by the words of the majority leader. It sounds as if he is interested in looking at various ways we could pay for it. He indicated he is not in support of paying for it but would be willing to listen to some of our ideas. Let me say a couple things about it.

One, this is the emergency unemployment insurance on top of the roughly 26 weeks currently provided by States such as my State of Ohio. So it is additional emergency unemployment insurance on top of that.

The unemployment insurance ended at year-end, and the question is: Do we extend it? How do we extend it? How do we deal with the fact it adds to the deficit?

I voted, along with a handful of other Republicans, to proceed to this because I believe we ought to have a debate about, one, whether it should be paid for or not. I think it should be, and I won't be able to support it unless it is paid for; two, over the 3-month period—which the extension is, just a 3-month period—how can we improve the unemployment insurance program so it really works to get people employed?

As we know, the problem now is we have the highest number of people who are long-term unemployed we have ever had in this country. It is a historic rate, and it is a very troubling, sad situation, where people are over 27 weeks at historic levels. So we are not doing what we should be doing to connect those people who are unemployed to the jobs out there, clearly, by definition with so many people long-term unemployed. Let's improve this system. Let's provide people with the job skills and the tools they need to access the jobs available.

In my own State of Ohio, we are told we have about 100,000 jobs, many in advanced manufacturing, bioscience, and information technology, sectors of our economy where there is requirement for skills those who are unemployed do not have. Long-term unemployment insurance isn't providing them with the training and skills opportunities.

I think we ought to be able as a body to come up with reforms, working with the administration. The President has indicated his interest in doing that. That is the reason for the 3-month extension. But I certainly think we should pay for the 3-month extension.

The argument was made tonight that it is an emergency. The same Democrats who are saying that are saying the economy is improving. In any case, it violates the budget which was passed. We passed a budget just a few weeks ago. It was quite contentious here on the floor. The budget provided, for the first time in 4 years, a budget for the House and for the Senate to work against so we can start the appropriations process again. I supported that. It had no tax increases. It actually had net deficit reduction in it—barely but some. It didn't do everything, but it set those budget levels so we now have caps we can work against so we can begin the appropriations process, which involves oversight, which has not been done appropriately for 4 years now. It also involves prioritizing spending which has not been done.

Frankly, the agencies and departments of the Federal Government have been kind of on their own with these so-called continuing resolutions because there hasn't been the constitutional requirement that Congress appropriate. That is our constitutional duty, the power of the purse, which simply hasn't happened.

I think the budget is important. But by setting those caps, we made a statement to the American people: We are going to stick to these budget caps,

both on the discretionary side—which is the smaller part of the budget we appropriate every year—and also on the mandatory side. Those caps are violated by unemployment insurance being extended without paying for it subject to a point of order on the floor of the House and the Senate. Frankly, I think if that point of order were raised—which I hope it would be, because we don't want to break these caps—I think it would be very tough to get the 60 votes.

I understand the majority leader disagrees with me, and I respect his opinion. But I do think that, because it violates the budget and because we have historic levels of debt and we have a deficit this year which is forecast to be over \$600 billion, we ought to deal with this in a fiscally responsible way and find the money to pay for the extension. It is about \$6 billion, about the same as dealing with the military retirement issue.

Again, certainly we can find \$6 billion in a budget of well over \$3 trillion. In fact, a number of us have come up with specific proposals, and I have introduced a couple of amendments on this today.

I spoke about one of these amendments earlier today, but I would like to go into a little more detail because there were some comments made on the floor earlier that Republicans are only offering two alternatives. One is a one-year delay in ObamaCare—which I support but is opposed by the other side—and the second is the proposal on the child tax credit, which I talked about earlier and which focuses on current mispayments of the child tax credit. Again, I think that is a good pay-for. I support that. I am actually on the amendment which provides for that, but it also has enough funds in it to deal with the military retirement issue we talked about. So it could extend the unemployment insurance program for 3 months, plus deal with the military retirement program and have a little left over for deficit reduction.

But I want to make it clear to those on the other side of the aisle who said that is all Republicans have that we do have alternatives. I specifically filed amendments which I hope will be made in order that say: Let's look at the President's own budget and pull out some pay-fors which are within the budget, and let's use those. This certainly should be bipartisan.

Specifically, I have two provisions in my amendment to pay for the extension. One is to remove a current loophole in the system which allows double-dipping between Social Security disability and unemployment insurance. That is in the President's budget. It is in there because it doesn't make sense to have folks who are on Social Security disability which is designed for people who are unable to work, to also be drawing unemployment insurance which is for people who are out of work and looking for a job. That is a requirement.

Clearly those two programs are mutually exclusive, which is why the President's budget includes this prohibition on what is called concurrent receipts—in other words, getting both SSDI and unemployment insurance.

I add to that Trade Adjustment Assistance, another program where, as a worker, if you lose your job due to trade and some external factors, you can go through a retraining program. But you are a worker by definition. The same principle applies to both. That combination pays for most of the extension of unemployment insurance.

I see my colleague from Maine is on the floor this evening. He, along with one of his Democratic colleagues and one of his Republican colleagues, has made a similar proposal in legislation and also filed an amendment along those lines to say: Let's clean up this issue. Let's be sure we do not have double dipping, that we do establish clearly that if you are qualified as a non-worker in one case, you cannot qualify as a worker in another case. I do think that is a responsible way to pay for this that would not run afoul of anything the majority leader said he was concerned about, although, again, I do not have the concerns he does about the child tax credit issue. I think it is a question of missed payments. But I want to make clear we do have this proposal out there.

On top of that, to be sure there is additional pay-for to pay for the entire amount of the extension of unemployment insurance, we also add an unemployment insurance integrity program, straight out of the President's budget. This is to ensure through the Labor Department that there are not improper payments on the existing unemployment insurance program. This will enable us to save money in the long run and help get people into jobs, which I think should be everybody's priority.

These are both proposals that are in the process here, that had been filed. We are hoping that they will be pending tomorrow and that we can have a debate on these and other amendments. I believe there are several other amendments, including the one from my colleague from Maine, that will say: OK, we will extend the unemployment insurance program for 3 months to come up with a better unemployment insurance program, to improve it so it does connect people to the jobs that are out there and provide the kinds of skills training that is needed and gives people the tools to be able to access those jobs. But we are going to pay for it at a time of historic debts and these large deficits and at a time when it violates the budget agreement otherwise that we just passed.

I am hopeful that we can make progress on this over the next couple of days and that we will be in a position to move forward on dealing with unemployment insurance improving that.

I also filed another amendment that relates to this because part of what we ought to do, in my view, during this

month is tie worker retraining with unemployment insurance. Senator BENNET and I have something we called the Career Act that we introduced over the last few years, and this Career Act helps to improve the federal worker retraining program, which I believe should be part of this. Specifically, we have a couple of provisions in that legislation that I have introduced as an amendment here to be able to help in terms of the unemployment insurance issue. We need to create an environment where people don't need unemployment in the first place. This amendment will reform local one-stop centers for worker retraining that help connect the unemployed with retraining services by requiring them to give priority consideration to training services that provide workers with in-demand industry-recognized credentials. We are finding in Ohio and other States that those credentials are what are really needed to get a job often, and that is not being prioritized now in our Federal worker retraining program.

By the way, the Federal Government spends about \$15 billion a year on these programs, so we need to make sure that money is well spent, and again, by definition, it is not working as it should. We have so many who are not able to find jobs because of this skills gap. There are 100,000 jobs open in Ohio right now and about 400,000 people are out of work, and somehow we cannot connect those folks with the jobs, partly because they do not have the skills.

Our proposal also includes an innovative approach, endorsed by the President in his 2014 budget, that gives States the flexibility to spend some of the WIA—Workforce Investment Act—funds on job training programs that use the pay-for-success model. What does that mean? The pay-for-success model allows providers who right now are getting funding through this program to be reimbursed only if they generate results, which seems pretty basic. You should be looking at outcomes, but that is not in the system now, so it really is a pay-for-success or pay-for-performance program. It will ensure that these programs are accountable and that they actually produce measurable results for workers. Not only will this save money, but it will also help get Americans back to work one job at a time.

These seems to me to be really responsible proposals that I hope we will take up in the Senate and be able to move forward with something that pays for this unemployment insurance extension but also begins the process of improving unemployment insurance so that it works better for that historic number of long-term unemployed.

Finally, this is a great opportunity for us to do what actually helps grow this economy because ultimately that is the problem, isn't it? Unemployment insurance is taking a dollar from one pocket and giving it to someone else. That is needed sometimes. During high unemployment, as we have now, and

long-term unemployment being high, something is needed in terms of unemployment insurance. I think most of us agree with that. But ultimately that is not the solution. The solution is to create more economic growth and therefore more jobs so people will not need to rely on unemployment insurance.

I am hopeful we can also have discussions about some of those issues. We are not going to reform the Tax Code here in the next couple of days, but we ought to talk about issues like that that give the economy a shot in the arm.

One thing I have introduced along those lines is an amendment to strengthen what is called the Unfunded Mandates Reform Act. This is to help with the regulations out there that are unfortunately causing more and more burdens to job creators, making it harder to create jobs.

We know the cost of regulations is going up. In 2012—the last year for which we have numbers—the Obama administration regulations cost in 2012 alone was equal to the costs in the first term of the Bush administration and the Clinton administration combined—more and more regulations, more and more costs, about 4,000 regulations a year. We have to be sure we have a process in place to pare down the regulations and make sure they are based on a real analysis of the cost and the benefits.

I was an author of the Unfunded Mandates Reform Act of 1995 back when I was on the House side, and this particular amendment offered today improves that bill. Originally, that was an effort to prevent Congress and the Federal regulators from blindly imposing economic burdens on the private sector without going through these costs and benefits. I think most people would acknowledge that it has been a success, but with today's regulatory environment, we need to upgrade and modernize it.

This amendment would require agencies to assess the effect of new regulations on job creation, which is not in the current act, so it would add this requirement. Let's look at how this affects creating jobs. That seems like a commonsense idea. And require those agencies to consider alternatives to the kinds of regulations being proposed that might lessen that effect on jobs.

It would also broaden the scope of the unfunded mandates act to include rules issued by independent agencies. Right now, independent agencies are not covered by the cost-benefit analysis because, by definition, they are independent from the Office of Management and Budget and from the analysis that is done. Some independent agencies do an analysis; some do not. They use different rules. This would require all agencies, whether it is an executive branch agency or an independent agency, to live under these same rules of cost-benefit analysis. That makes a lot of sense.

The President has proposed this himself, not in legislative form but executive action. We need to codify what the President talks about. Frankly, he cannot do it by executive agency because, again, these are independent agencies, independent of the White House, so our idea is to bring them into the same cost-benefit analysis to make sure they are adopting the least burdensome rules possible so they are not affecting our economy in negative ways and we get people back to work.

Finally, we did require agencies to look at what the options are, even after the cost-benefit analysis is done, to determine the least burdensome way to achieve the same objective. If you have the same rule being put in place, you would be required to say how you get from point A to point B in the least burdensome way. With so many Americans out of work and so many who are looking for jobs who are underemployed, I think it is time for us to look at everything. Regulatory reform would certainly be one, health care costs is another, tax reform, and looking at our trade policy so we can be sure to expand exports. There are lots of things to do, but I think on this regulatory front, this is one area where we have a lot of bipartisan consensus and we might be able to move forward.

I know we are debating the extension of unemployment benefits today, and not all these other issues, but they are all part of it. We have to make sure we are creating an environment for success, that we are creating the opportunity for job creators to invest, take a risk, and to begin to take the money off the sidelines in this economy so they can put it to work. That will require us to make some changes here in Washington in terms of the way we ap-

proach these issues to free up the private sector so they can do what they do best, which is to create more jobs and opportunity.

Again, I was very pleased to hear the Senate majority leader express a willingness to include reasonable amendments and offsets to the cost of this legislation. I do hope he will work with us to ensure we can move forward in a way that does take on some of these issues of waste, fraud, and abuse in the Federal Government. We want to make sure there is no double dipping, and make sure there are not concurrent receipts with disability plus unemployment insurance, and TAA. We want to ensure that if you are working, you are getting the benefits you are eligible for, and if you are not working, you can get those benefits but not both. These are just sensible provisions and, again, reflective of what is in the President's own budget.

If we can do that and pay for this for 3 months, we can then go to work as Republicans, Democrats, and Independents alike—because there is an Independent on the floor tonight—to resolve not just whether we extend unemployment but this deeper issue of how to have the unemployment program work to get people into jobs that are available out there. Again, record levels of long-term unemployment mean we have a real problem. It is not working.

Second, how do we grow this underlying economy? How do we get the jobs back through economic growth and through creating more opportunity for everyone? How do we get middle-class wages and benefits back up so we can enable every American to have a shot at the American dream by giving people the equal opportunity they deserve?

I thank the Presiding Officer for his indulgence and staying late tonight, and I yield the floor.

---

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. on Thursday, January 9, 2014.

Thereupon, the Senate, at 6:35 p.m., adjourned until Thursday, January 9, 2014, at 10 a.m.